



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

January 11, 2022

Via Emailed PDF

Martin P. Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: **1327 and 1329 Constitution Avenue, NE (Square 1034, Lots 157 and 71)**

Dear Mr. Sullivan:

This letter confirms the discussion you had with my office on September 28, 2021 regarding a proposed subdivision combining two record lots, each currently improved with a residential row single dwelling, into a single record lot, and the combination of the improvements thereon into one single-family residential row dwelling.

1327 Constitution Avenue, NE (Lot 157) is improved with a single-family attached residential row dwelling. The adjacent lot is 1329 Constitution Avenue, NE (Lot 71) is also improved with a single-family attached residential row dwelling. You have represented that for each lot, the respective improvements have existed for many years (both properties are within the Capitol Hill Historic District, and are zoned RF-1). Lot 157 has a lot area of 1,892 square feet, a lot width of 16.91 feet, and it consists of a building with an approximate lot occupancy of about 60%. Lot 71 has a lot area of 1,786 square feet, a lot width of 16.91 feet, and consists of a building with approximate lot occupancy of about 90%, only a few feet from its rear property line [See attached Property Quest map].

You have represented that this project involves the combining of the subject lots via the subdivision process, and the internal connecting and renovating of the two buildings; it does not involve the construction of any exterior addition. Your client, who is both the owner of Lot 157 and the contract purchaser of Lot 71, intends to combine the two lots into a single record lot, and to open the party wall between the two buildings and make it into one single-family dwelling. The end result will be one single-family row dwelling on a lot with a lot area of 3,678 square feet and a lot width of approximately 33.8 feet, with an approximate lot occupancy in the range of 70-75%.

You have asked for confirmation that the combining of these two lots, with the internal connection of the buildings thereon, with no exterior addition, is an action which is compliant with the current Zoning Regulations and will not trigger any zoning violation or the need for any BZA relief. While it is apparent that there may be existing legally nonconforming conditions on Lot 71 (lot occupancy and rear yard), and possibly on Lot 157 (lot occupancy), and also that the combined lot and buildings will also have these same areas of nonconforming status, as long as you are not expanding these nonconformities by expanding the building envelope, the subdivision is permissible under the Zoning Regulations and would be approved by my office.

Likewise, the combination of the buildings into a single building is permissible. In fact, once the subdivision is completed, it is actually required under the Zoning Regulations that there be only one building on the resulting record lot, so the interior walls will need to be opened up between the two buildings to make it one building. For this reason, my office will require that you file a building permit application seeking approval for the wall opening or openings [**within 30 days**] after you are first able to acquire the building plat for the new, combined record lot. You will also be required to promptly execute that permit so that the subject property is compliant with the requirement to have no more than one building on a record lot.

Please feel free to contact me if you have any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments: Zoning Map Excerpt

Zoning Technician: David Vollin

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

File: Det Let re 1327-39 Constitution Ave NE to Sullivan 1-11-22